

REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the Office Action of May 28, 2008 is respectfully requested.

As an initial matter, the Examiner objected to claim 19 due to apparent typographical errors therein. Thus, claim 19 has now been amended as noted above to correct those matters. As a result, it is submitted that the Examiner's objection to claim 19 has been overcome.

The Examiner rejected pending claims 11-20 in view of the prior art. In particular, the Examiner rejected claims 11-18 as being anticipated by the Berg reference (USP 6,451,048); and rejected claims 19 and 20 as being unpatentable over the Berg reference in view of the Perez reference (USP 6,984,244). However, independent claim 19 has been amended to clarify the invention, and the Examiner's prior art rejections are traversed. For the following reasons, it is respectfully submitted that the amended claims are clearly patentable over the prior art of record.

Independent claim 11 has now been amended to clarify that it is directed to a radially deformable *endovascular* tubular prosthesis. An *endovascular* tubular prosthesis is to be placed *inside* a blood vessel, as shown in Figures 3a-5a. Once inside, the prosthesis can then be expanded against the inside surface of the vessel (see page 1, lines 7-19 of the original specification). Thus, an *endovascular* tubular prosthesis has a distinct structure to allow placement *within* the blood vessel, rather than outside the blood vessel.

The Berg reference, however, does not disclose an *endovascular* prosthesis. Instead, the prosthesis 30 is placed *outside* of a vessel. In fact, the prosthesis of the Berg reference is not even suitable for use as an *endovascular* prosthesis. In particular, if used inside a vessel, the hooks 40, 44 of the Berg reference would position themselves radially with a gap therebetween, and would not grip the inside surface of the vessel between them. Thus, the hooks would effectively lift the end of the prosthesis away from the internal surface of the vessel, and there would be a risk of a puncture to the wall of the vessel. Thus, the Berg reference does not anticipate or even render obvious amended independent claim 11.

The Perez reference is directed to a delivery system for endoluminal implants, and the Examiner applied this reference as teaching a repair device encompassed by a capsule. However, the Perez reference does not teach or even suggest how to modify the Berg reference so as provide an *endovascular* tubular prosthesis as recited in amended independent claim 11. Accordingly, it is submitted that the combination of the Berg reference and the Perez reference also does not render amended independent claim 19 obvious.

As explained above, the Berg reference and the Perez reference - either alone or in combination - does not teach or even suggest the *endovascular* tubular prosthesis as recited in amended independent claim 11. Therefore, it is respectfully submitted that amended independent claim 11 and the claims that depend therefrom are clearly patentable over the prior art of record.

It is further noted that new dependent claims 21-24 recite additional subject matter further distinguishing the present invention from the prior art.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

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